

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
AT LAW AND IN ADMIRALTY

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

ONE SMITH & WESSON M&P 9 SHIELD  
PISTOL BEARING SERIAL NUMBER HRS0693,

ONE CENTURY ARMS C39 PISTOL BEARING  
SERIAL NUMBER C39P0398,

ONE SIG SAUER (SIGARMS) P250 PISTOL  
BEARING SERIAL NUMBER EAK000693,

ONE RUGER P89 PISTOL BEARING SERIAL  
NUMBER 31259216,

ONE ANDERSON MANUFACTURING AM-15  
RIFLE BEARING SERIAL NUMBER 045F12, and

ONE ISRAEL WEAPON INDUSTRIES-IWI  
(ISRAEL MILITARY INDUSTRIES-IMI) UZI  
PISTOL BEARING SERIAL NUMBER UP06736,

Defendants.

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**VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM**

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The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Scott J. Campbell, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

### **Nature of the Action**

1. This is a civil action to forfeit properties to the United States of America, under 18 U.S.C. § 924(d), for violations of 18 U.S.C. § 922(g)(3).

### **The Defendants In Rem**

2. The defendant Smith & Wesson M&P 9 Shield pistol bearing serial number HRS0693 was seized on or about July 10, 2018, from Jonathan Battles at or near 1XX W. Randolph Street, Milwaukee, Wisconsin.

3. The defendant Century Arms C39 pistol bearing serial number C39P0398 was seized on or about July 10, 2018, from Jonathan Battles at or near 1XX W. Randolph Street, Milwaukee, Wisconsin.

4. The defendant SIG Sauer (SIGARMS) P250 pistol bearing serial number EAK000693 was seized on or about July 10, 2018, from Jonathan Battles at or near 1XX W. Randolph Street, Milwaukee, Wisconsin.

5. The defendant Ruger P89 pistol bearing serial number 31259216 was seized on or about July 10, 2018, from Jonathan Battles at or near 1XX W. Randolph Street, Milwaukee, Wisconsin.

6. The defendant Anderson Manufacturing AM-15 rifle bearing serial number 045F12 was seized on or about July 10, 2018, from Jonathan Battles at or near 1XX W. Randolph Street, Milwaukee, Wisconsin.

7. The defendant Israel Weapon Industries-IWI (Israel Military Industries-IMI) Uzi pistol bearing serial number UP06736 was seized on or about July 10, 2018, from Jonathan Battles at or near 1XX W. Randolph Street, Milwaukee, Wisconsin.

8. The six defendant firearms are presently in the custody of the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) in Milwaukee, Wisconsin.

### **Jurisdiction and Venue**

9. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

10. This Court has *in rem* jurisdiction over the defendant properties under 28 U.S.C. § 1355(b).

11. Venue is proper in this district under 28 U.S.C. § 1355(b)(1) because acts or omissions giving rise to the forfeiture occurred in this district.

### **Basis for Forfeiture**

12. Under 18 U.S.C. § 922(g)(3), it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to possess any firearm.

13. The six defendant firearms are subject to forfeiture to the United States of America under 18 U.S.C. § 924(d) because they were involved in the violation of 18 U.S.C. § 922(g)(3).

### **Facts**

14. Marijuana is a Schedule I controlled substance under 21 U.S.C. § 812.

15. Morphine is a Schedule II controlled substance under 21 U.S.C. § 812.

### **Execution of search warrant at Jonathan Battles' residence on July 10, 2018**

16. On or about July 10, 2018, Milwaukee Police Department ("MPD") detectives and ATF agents executed a search warrant at the residence of Jonathan Battles, 1XX W. Randolph Street, Milwaukee, Wisconsin (the "Randolph Street residence").

17. Jonathan Battles and his two minor children were present during execution of the search warrant.

18. Below are some of the items inside the Randolph Street residence on July 10, 2018.
- A. In the living room was an unlabeled bottle containing approximately 2.82 grams of Morphine pills.
  - B. In the northeast bedroom were the following:
    - i. The defendant Century Arms C39 pistol bearing serial number C39P0398.
    - ii. A baggie containing 0.12 grams of marijuana.
  - C. In the kitchen were the following:
    - i. The defendant Smith & Wesson M&P 9 Shield pistol bearing serial number HRS0693.
    - ii. The defendant Anderson Manufacturing AM-15 rifle bearing serial number 045F12.
    - iii. The defendant SIG Sauer (SIGARMS) P250 pistol bearing serial number EAK000693.
    - iv. The defendant Ruger P89 pistol bearing serial number 31259216.
    - v. The defendant Israel Weapon Industries-IWI (Israel Military Industries-IMI) Uzi pistol bearing serial number UP06736.
    - vi. A digital scale.

**July 10, 2018 mirandized recorded statement by Jonathan Battles**

19. On July 10, 2018, at approximately 6:15 p.m., an MPD detective and an ATF agent conducted a custodial interview of Jonathan Battles (the “Interview”).
20. The Interview was audio and video recorded.
21. Prior to conducting the Interview, the MPD detective read Jonathan Battles his Constitutional Miranda Rights. Mr. Battles stated that he understood each of his rights and that he was willing to speak with the MPD detective and ATF agent.

22. During the Interview, Jonathan Battles (“Battles”) admitted the following:
- A. Battles smoked weed (marijuana) last night.
  - B. Battles smokes weed (marijuana) every day.
  - C. Battles smokes maybe one or two grams of weed (marijuana) per day.
  - D. Battles, currently age 37, first started smoking weed (marijuana) in high school.
  - E. In around 2012, 2013, or 2014, Battles had grown two marijuana plants in his residence because he was tired of trying to find someone that would sell marijuana to him. But after a house fire, the marijuana plants had been discovered by law enforcement and Battles stopped growing marijuana.
  - F. All six of the defendant firearms found at the Randolph Street residence are his guns.
    - i. Battles purchased the defendant SIG Sauer (SIGARMS) P250 pistol bearing serial number EAK000693 about one or two months ago from an unknown individual.
    - ii. Battles purchased the defendant Israel Weapon Industries-IWI (Israel Military Industries-IMI) Uzi pistol bearing serial number UP06736 about six or seven months ago from an unknown individual in the neighborhood.
    - iii. Battles purchased the defendant Ruger P89 pistol bearing serial number 31259216 about one year ago “off the street” from an unknown individual.
    - iv. Battles purchased the defendant Smith & Wesson M&P 9 Shield pistol bearing serial number HRS0693 about one year ago from an unknown individual in the neighborhood.
    - v. Battles purchased the defendant Anderson Manufacturing AM-15 rifle bearing serial number 045F12 about two years ago from an unknown individual.
    - vi. Battles purchased the defendant Century Arms C39 pistol bearing serial number C39P0398 (Battles referred to as the “Draco”) about three years ago from Gander Mountain.

23. As a person who is an unlawful user of a controlled substance, Jonathan Battles is prohibited from possessing firearms under 18 U.S.C. § 922(g)(3).

24. The six defendant firearms are subject to forfeiture to the United States of America under 18 U.S.C. § 924(d) because they were involved in the violation of 18 U.S.C. § 922(g)(3).

#### **Administrative Forfeiture Proceedings**

25. On or about August 23, 2018, ATF commenced administrative forfeiture proceedings against the six defendant firearms.

26. On or about September 2, 2018, Jonathan Battles filed a claim to the six defendant firearms with ATF in the administrative forfeiture proceedings.

#### **Warrant for Arrest In Rem**

27. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the six defendant firearms pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

#### **Claims for Relief**

28. The plaintiff alleges and incorporates by reference the paragraphs above.

29. By the foregoing and other acts, the six defendant firearms were involved in the violation of 18 U.S.C. § 922(g)(3).

30. The six defendant firearms are therefore subject to forfeiture to the United States of America under 18 U.S.C. § 924(d).

WHEREFORE, the United States of America prays that a warrant of arrest for the six defendant firearms be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the six defendant firearms to be condemned and forfeited to the United States of America for disposition according to law;

and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 28<sup>th</sup> day of November, 2018.

Respectfully submitted,

MATTHEW D. KRUEGER  
United States Attorney

By:

s/SCOTT J. CAMPBELL  
SCOTT J. CAMPBELL  
Assistant United States Attorney  
Scott J. Campbell Bar Number: 1017721  
Attorney for Plaintiff  
Office of the United States Attorney  
Eastern District of Wisconsin  
517 East Wisconsin Avenue, Room 530  
Milwaukee, Wisconsin 53202  
Telephone: (414) 297-1700  
Fax: (414) 297-1738  
E-Mail: [scott.campbell@usdoj.gov](mailto:scott.campbell@usdoj.gov)

### **Verification**

I, Richard E. Connors, III, hereby verify and declare under penalty of perjury that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives in Milwaukee, Wisconsin, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 14 through 24 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 11/27/18

s/RICHARD E. CONNORS, III

Richard E. Connors, III

Special Agent

Bureau of Alcohol, Tobacco, Firearms, and Explosives



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box: ☐ Green Bay Division ☒ Milwaukee Division

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott J. Campbell, AUSA  
US Attorney's Office, #530 Federal Building  
517 E. Wisconsin Avenue, Milwaukee, WI 53202 (414-297-1700)

## DEFENDANTS

ONE SMITH & WESSON M&P 9 SHIELD PISTOL BEARING  
SERIAL NUMBER HRS0693, ET AL.

County of Residence of First Listed Defendant Milwaukee

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
18 USC § 924(d)

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/28/2018

s/SCOTT J. CAMPBELL

FOR OFFICE USE ONLY

RECEIPT #

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
AT LAW AND IN ADMIRALTY

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UNITED STATES OF AMERICA,

Plaintiff,

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Case No.

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PISTOL BEARING SERIAL NUMBER HRS0693,

ONE CENTURY ARMS C39 PISTOL BEARING  
SERIAL NUMBER C39P0398,

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BEARING SERIAL NUMBER EAK000693,

ONE RUGER P89 PISTOL BEARING SERIAL  
NUMBER 31259216,

ONE ANDERSON MANUFACTURING AM-15  
RIFLE BEARING SERIAL NUMBER 045F12, and

ONE ISRAEL WEAPON INDUSTRIES-IWI  
(ISRAEL MILITARY INDUSTRIES-IMI) UZI  
PISTOL BEARING SERIAL NUMBER UP06736,

Defendants.

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**WARRANT FOR ARREST IN REM**

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To: THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES  
Eastern District of Wisconsin

WHEREAS, a Verified Complaint for Civil Forfeiture *in rem* was filed on the 28<sup>th</sup> day of November, 2018, by the United States Attorney for the Eastern District of Wisconsin, which seeks the forfeiture of the above-named defendant properties under Title 18, United States Code, Section 924(d), and which prays that process issue to enforce the forfeiture and to give notice to

all interested parties to appear before the court and show cause why the forfeiture should not be decreed; and due proceedings being had, that the defendant properties be condemned and forfeited to the use of the United States of America.

YOU ARE THEREFORE HEREBY COMMANDED to attach and arrest the defendant properties listed below, which were seized on or about July 10, 2018, from Jonathan Battles at or near 1XX W. Randolph Street, Milwaukee, Wisconsin, and which are presently in the custody of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in Milwaukee, Wisconsin, in the Eastern District of Wisconsin, and to detain the same until further order of this Court.

- A. One Smith & Wesson M&P 9 Shield pistol bearing serial number HRS0693,
- B. One Century Arms C39 pistol bearing serial number C39P0398,
- C. One SIG Sauer (SIGARMS) P250 pistol bearing serial number EAK000693,
- D. One Ruger P89 pistol bearing serial number 31259216,
- E. One Anderson Manufacturing AM-15 rifle bearing serial number 045F12, and
- F. One Israel Weapon Industries-IWI (Israel Military Industries-IMI) Uzi pistol bearing serial number UP06736.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018, at Milwaukee, Wisconsin.

STEPHEN C. DRIES  
Clerk of Court

By:

\_\_\_\_\_  
Deputy Clerk

**Return**

This warrant was received and executed with the arrest of the above-named defendants.

Date warrant received: \_\_\_\_\_

Date warrant executed: \_\_\_\_\_

Name and title of arresting officer: \_\_\_\_\_

Signature of arresting officer: \_\_\_\_\_

Date: \_\_\_\_\_